

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: Seroquel XR (Extended Release Quetiapine
Fumarate) Antitrust Litigation

This Document Relates To:
All Actions

Master Dkt. No. 20-1076-CFC

STIPULATION AND [PROPOSED] ORDER

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WHEREAS, the Court previously entered an agreed Stipulation and Order regarding Plaintiffs' expert Dr. Fix that resolved the purposes for which certain of his opinions could be offered, but not the timing of that testimony during trial. *See* D.I. 591, at ¶1, pg. 1 n.1;

WHEREAS, subject to the Court's approval, the Parties have since agreed that Dr. Fix may offer all his opinions in Plaintiffs' case-in-chief, including responding to Defendants' arguments and expert testimony that the settlement agreement is procompetitive;¹

WHEREAS, such presentation would require Dr. Fix to preemptively rebut certain arguments and/or opinions to be offered by Defendants' experts later in the trial during Defendants' case, and Defendants therefore have agreed not to object to Dr. Fix's testimony on the basis of: (1) Dr. Fix offering his reply opinions, or responding to Defendants' procompetitive justifications; (2) the timing of that testimony; and/or (3) Dr. Fix rebutting opinions or facts that Defendants have not yet offered, while reserving the right to otherwise object to Dr. Fix's testimony; and

¹ Any such testimony would be subject to the Court's rulings on any pending motions affecting the scope of Dr. Fix's opinions, Defendants' expert opinions on the same subject matter, and/or related evidence (*e.g., inter alia*, the pending motion about post-agreement facts (D.I. 868), and the two issues the Court reserved for resolution during trial with respect to Dr. Fix, specifically (D.I. 844 and D.I. 859)). The parties reserve all rights with respect to such pending motions and issues.

WHEREAS, Defendants dispute that Plaintiffs are entitled to a rebuttal case in any circumstance, and enter into this stipulation without waiver of that position;

WHEREAS, the Parties agree that in the event that this Stipulation and Proposed Order is not granted, or has not been ruled on prior to the Final Pretrial Conference, the issue may be raised by either party at the Final Pretrial Conference.

PLAINTIFFS AND DEFENDANTS HEREBY STIPULATE AND AGREE, subject to the approval of the Court, that Plaintiffs may present Dr. Fix's rebuttal testimony during their case-in-chief.

Dated: April 21, 2025

Respectfully submitted,

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IT IS SO ORDERED this _____ day of _____, 2025.

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